

33
FORM DS 322(OCR)

DEF 18-6
15 NOV 72 17 42Z

207841

207841 151742Z NOV 72 ROGERS

CC ~~CONFIDENTIAL~~

ACDA/IR:PSEMLER/IO/UNP:SMCINTYRE
11/14/72 EXT. 20333
IO - SAMUEL DE PALMA

S/S - MR. BARNES
DOD/ISA - ANDERSON
PM/DCA - SHAW
ACDA/IR - LEONARD

WHITE HOUSE - MR. HYLAND
IO/UNP - ARMITAGE
EUR/SOV - KADILIS
IO - HERZ

PRIORITY USUN NEW YORK

ROUTINE MOSCOW

DISTO

SUBJECT: NON-USE OF FORCE {NUF}

REF: A. STATE 195162 B. USUN 4572

1. IT IS CLEAR FROM USUN 4572 THAT SOVS KNOW OF NON-ALIGNED EFFORTS TO PRODUCE THEIR OWN DRAFT NUF RES AND SOVS ARE UNHAPPY ABOUT THIS DEVELOPMENT, FEARING NON-ALIGNED WILL TAKE INITIATIVE AWAY FROM SOVS ON NUF AS THEY DID ON WDC.

2. WE BELIEVE IT ALSO MAGNIFIES OUR PROBLEM. WHEREAS SOV EFFORT APPEARED TO BE FACING A MASSIVE ABSTENTION WHICH COULD HAVE DETERRED THEM FROM PRESSING THEIR RES TO A VOTE, THE NON-ALIGNED RES {WHICH APPEARS TO HAVE MOST OF SAME PROBLEMS AS SOVIET RES FROM OUR STANDPOINT} MAY WELL BE BROUGHT TO A VOTE; AND BECAUSE OF NON-ALIGNED LOYALTIES IT CAN BE EXPECTED TO PICK UP MORE AFFIRMATIVE VOTES THAN THE SOV DRAFT.

3. IF SOVIET NUF RESOLUTION IS BROUGHT TO VOTE, YOU SHOULD ABSTAIN.

4. IF A DRAFT ALONG LINES DESCRIBED IN USUN 4572 IS TABLED, YOU SHOULD ALSO ABSTAIN. WE ARE CONCERNED, INTER ALIA, THAT DRAFT APPEARS TO PLACE CHARTER, SIS DECLARATION AND DECLARATION ON FRIENDLY RELATIONS ON A PAR; THAT PARAPHRASE OF ART 51 IS INCOMPLETE; THAT IT IS UNCLEAR AS TO WHAT THE RIGHT OF STATES TO ELIMINATE "CONSEQUENCES OF AGGRESSION"

207841
SDP
PSY
HB
WH
DAS
JAA
JS
JK
JLS
MFH

CC ~~CONFIDENTIAL~~

1 2

MIGHT MEAN; THAT IMPLICATIONS OF THE PHRASE "LEGITIMACY OF STRUGGLE OF NATIONAL LIBERATION MOVEMENTS TO ASSERT SELF-DETERMINATION BY ALL NECESSARY MEANS" ARE UNCERTAIN; THAT DRAFT RECALLS DECLARATION ON PROHIBITION OF NUCLEAR WEAPONS WHICH WE OPPOSED FOR WELL-KNOWN REASONS OF BASIC POLICY; AND THAT OPERATIVE PARAS WHICH ARE SIMILAR TO THOSE CONTAINED IN SOV DRAFT CONTAIN OTHER DIFFICULTIES [SINGLING OUT NUCLEAR WEAPONS, INAPPROPRIATE USE OF SECURITY COUNCIL, ETC.].

5. IF THE OPERATIVE PARAS ARE VOTED SEPARATELY IN THE TWO DRAFT NUF RESES, USDEL SHOULD ABSTAIN ON BOTH OPERATIVE PARAS IN THE NON-ALIGNED DRAFT, ABSTAIN ON FIRST OPERATIVE PARA IN THE SOV DRAFT BUT VOTE AGAINST OPERATIVE PARA TWO IN THE SOV DRAFT. WE SHARE UK VIEW THAT WE WILL BE IN A STRONGER POSITION IN POSSIBLE SC CONSULTATIONS IF WE HAVE OPPOSED ADOPTION OF THAT PARA. NON-ALIGNED DRAFT OPERATIVE PARA TWO DOES NOT RAISE AS STRONG OBJECTIONS SINCE IT REFERS ONLY TO "APPROPRIATE MEASURES".

6. DEL SHOULD CONTINUE TO POINT OUT PRIVATELY AND QUIETLY TO OTHER DELS PROBLEMS WE SEE IN THE DRAFTS, ESPECIALLY THE ROLE CONTEMPLATED FOR THE SC AND THE DOUBTFUL UTILITY OF TRYING TO REFINE CHARTER LANGUAGE.

7. IF SEVERAL OF OUR NATO ALLIES EXPLAIN THEIR VOTE, YOU SHOULD EXPLAIN OURS AS WELL. IF NONE OF OUR MAJOR ALLIES DOES, YOU SHOULD NOT MAKE A STATEMENT.

A. TO EXPLAIN ABSTENTION ON RESOLUTIONS AS A WHOLE: WHILE THE NON-USE OF FORCE IS A LAUDABLE OBJECTIVE, THE US BELIEVES THE CHARTER OF THE UNITED NATIONS REMAINS THE BASIC GUIDELINE COVERING THE CONDUCT OF NATIONS. WE ARE SKEPTICAL ABOUT THE UTILITY OF RESTATING PRINCIPLES OF THE UN CHARTER THROUGH GENERAL ASSEMBLY RESOLUTIONS BECAUSE WE FEEL THAT SUCH RESOLUTIONS TEND TO DETRACT FROM THE CHARTER ITSELF. WE ALSO BELIEVE THAT THE DISTINCTION DRAWN IN THE CHARTER BETWEEN THE THREAT OF OR USE OF FORCE FOR INDIVIDUAL OR COLLECTIVE SELF-DEFENSE, WHICH IS LEGITIMATE, AND THE THREAT OF OR USE OF FORCE FOR AGGRESSION, WHICH IS NOT, IS THE KEY PRINCIPLE GOVERNING THE USE OF FORCE IN INTERNATIONAL RELATIONS, AND WE REGRET THAT THE TW*{TWO} RESOLUTIONS BEFORE US DO NOT EXPLICITLY DRAW THAT DISTINCTION. WE WILL THEREFORE ABSTAIN ON BOTH RESOLUTIONS.

B. TO EXPLAIN A NEGATIVE VOTE ON SECOND OPERATIVE PARAGRAPH OF SOVIET DRAFT: ALTHOUGH WE ARE ABSTAINING ON ENTIRETY OF SOVIET DRAFT RESOLUTION, AS WELL AS ON THE FIRST OPERATIVE PARAGRAPH OF THAT RESOLUTION, WE ARE

~~CONFIDENTIAL~~

By WBD Date 1/8/99

FORM DS 322A(OCR)

C ~~CONFIDENTIAL~~

| 3

VOTING AGAINST THE SECOND OPERATIVE PARAGRAPH OF THAT
RESOLUTION. WE DO NOT BELIEVE THAT THE CHARTER CONFERS
ON THE SECURITY COUNCIL THE POWER TO ESTABLISH GENERAL
RULES OF CONDUCT BINDING UPON MEMBERS, MUCH LESS THE
POWER TO ADD TO OR DETRACT FROM OR TH*OTHERWISE MODIFY
CHARTER OBLIGATIONS FOR ALL MEMBERS. GDS. 44